

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re)	
)	Case No: 19-19446
Randolph E. Fields,)	
aka Randy Fields,)	Chapter: 13
Debtor.)	Judge: Hon. Janet S. Baer
)	

NOTICE OF MOTION

Notified via CM/ECF:

PLEASE TAKE NOTICE that on February 19, 2021 at 9:30 a.m., or soon thereafter as I may be heard, I shall appear before the Honorable Janet S. Baer, or any judge sitting in that judge's place, and present the motion of Harley-Davidson Credit Corp ("Movant"), to Modify the Automatic Stay and for Co-Debtor Relief From Stay, a copy of which is attached.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

Meeting ID and password. The meeting ID for this hearing is 160 731 2971 and the password is 587656. The meeting ID and password can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

BONIAL & ASSOCIATES, P.C.

/s/ Wesley T. Kozeny

Wesley T. Kozeny / # 6199471

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Attorney for Harley-Davidson Credit Corp

CERTIFICATE OF SERVICE

I hereby certify that a copy of this notice and the attached motion was served on each entity shown on the attached list at the address shown and by the method indicated on the list on December 22, 2020.

Respectfully Submitted

/s/ Wesley T. Kozeny

Wesley T. Kozeny

Service List:

Debtor's Attorney

David M. Siegel
David M. Siegel & Associates
790 Chaddick Dr
Wheeling, IL 60090-6005

via Electronic Notice via CM/ECF

Chapter 13 Trustee

Glenn B. Stearns
801 Warrenville Road, Suite 650
Lisle, Illinois 60532

via Electronic Notice via CM/ECF

US Trustee

Office of the U.S.Trustee
219 S. Dearborn St., Room 873
Chicago, Illinois 60604

via Electronic Notice via CM/ECF

Debtor

Randolph E. Fields
406 S. Mason Street
Bensenville, IL 60106-2680

via U.S. Mail

Co-Debtor

Kimberly A. Mussatti
6611 Cermak
Berwyn, IL 60402

via U.S. Mail

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MOTION FOR RELIEF FROM AUTOMATIC STAY AND CO-DEBTOR STAY

COMES NOW Harley-Davidson, its subsidiaries, affiliates, predecessors in interest, successors and/or assigns ("Movant"), through the undersigned counsel, pursuant to Federal Rules of Bankruptcy Procedure 4001 and 9014, and states as follows in support of its Motion herein:

REQUIRED STATEMENT (Form G-4) IS ANNEXED HERETO AND FILED HEREWITH
AS REQUIRED BY LOCAL RULE 4001-1

1. On July 11, 2019, the Debtor, above-named, filed a voluntary petition in Bankruptcy under Title 11, Chapter 13, U.S.C., in the United States Bankruptcy Court, for the Northern District of Illinois.

2. The Court has jurisdiction over this matter pursuant to 28 U.S.C. Sections 151, 157 and 1334 and applicable local rules. This is a core proceeding pursuant to 28 U.S.C. Section 157(b)(2). Venue is proper in this District under 28 U.S.C. Section 1409(a).

3. The Debtor, Randolph E. Fields, and co-Debtor, Kimberly A. Mussatti ("Obligor(s)"), are indebted to Movant pursuant to a Retail Installment Contract (the "Debt Obligation"). A copy of the Debt Obligation is attached hereto and incorporated herein as Exhibit A. Movant is entitled to enforce the Debt Obligation.

4. As security for repayment of the Debt Obligation the Obligor(s) have pledged certain collateral described as 2008 HARLEY-DAVIDSON FLHTCU ULTRA CLASSIC ELECTRA G, VIN: 1HD1FC4468Y668687 ("Collateral"). A copy of the proof of perfection of Movant's interest in the Collateral ("Security Interest") is attached hereto and incorporated herein as Exhibit B.

5. As of December 15, 2020, the outstanding indebtedness owed to Movant less any partial payments or suspense balance is \$9,364.31.

6. As of December 15, 2020, the value of the Collateral is \$8,660.00. The basis for this value is NADA estimate of value. A copy of said valuation is attached hereto as Exhibit D.

7. The following chart sets forth the number and amount of contractual payments due pursuant to the terms of the Debt Obligation and proposed or confirmed Plan that have been missed by the Debtor as of December 15, 2020:

Number of Missed Payments	From	To	Monthly Payment Amount	Total Missed Payments
4	08/24/2020	11/24/2020	\$308.85	\$1,235.40
Less partial payments (suspense balance):				\$0.00
Total:				\$1,235.40

8. The address to which payments are to be made to Servicer as agent for Movant is:

Harley-Davidson Credit Corp.
Dept 15129
Palatine, Illinois 60055-5129

9. Cause exists for relief from the automatic stay under 11 U.S.C. §362(d) and for relief from the co-debtor stay under 11 U.S.C. §1301(c)(3) for the following reasons:

- a. 11 U.S.C. §362(d)(1) - For cause in that payments required to be made by Obligors to Movant are not being made as required by the Debt Obligation and the terms of the confirmed Plan.
- b. 11 U.S.C. §362(d)(2)(A) & (B) - Debtor enjoys no equity in the Collateral and the Collateral is not necessary for an effective reorganization.
- c. 11 U.S.C. §1301(c)(3) – Movant will be irreparably harmed if the co-debtor stay is permitted to remain in place under the above described circumstances

WHEREFORE, Movant prays that this Court issue an Order:

1. Terminating or modifying the stay imposed by 11 U.S.C. 362(a) allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies in and to the Collateral.
2. Terminating the co-debtor stay imposed by 11 U.S.C. §1301(a).
3. That the Order be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
4. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.

5. For such other relief as the Court deems proper.

Dated: December 22, 2020

BONIAL & ASSOCIATES, P.C.

/s/ Wesley T. Kozeny

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